



Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1
GO-125 POLYGRAPH EXAMINATIONS (Daily)
Revised 06/04/2012

125 POLYGRAPH EXAMINATIONS

PURPOSE

The purpose of this General Order is to establish guidelines and procedures for conducting polygraph examinations.

POLICY

It is the policy of the Las Cruces Police Department (LCPD) that polygraph examinations may be used to verify, corroborate or refute statements as part of an investigation or to screen candidates for positions with this or other criminal justice agencies.

APPLICABILITY

The General Order applies to all employees. This General Order supersedes all previous versions.

REFERENCES

- CALEA 32.2.5, 32.2.6, 42.2.6, 52.2.6
- NMML PER.01.01
- New Mexico Evidence Rule 11-707
- New Mexico Administrative Code 16.48.2.16 Qualifications and Experience Requirements for Applicants for a Polygraph Examiner License (NMAC)
- Peace Officer's Employer-Employee Relations Act, Polygraph examinations, 29-14-5, NMSA 1978
- American Polygraph Association www.polygraph.org & American Association of Police Polygraphists www.policepolygraph.org for best practices
- General Order 160
- Current contract between the City of Las Cruces (CLC) and the Las Cruces Police Officers Association (LCPOA)

DEFINITIONS

Polygraph – a deception detection instrument that records certain physiological changes in a person undergoing questioning in an effort to verify truth or deception. A polygraph simultaneously records at a minimum respiratory, electrodermal, and cardiovascular activity.



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125.01 REQUESTING POLYGRAPH EXAMINATIONS

- A. Investigative officers and supervisors may request a polygraph examination from the Department's authorized examiner when consistent with state law and Departmental policy.
- B. Situations in which authorization may be requested include, but are not limited to the following:
 - 1. Requests from the District Attorney's Office or City Attorney's Office as part of an agreement with a defense attorney or for other investigative purposes.
 - 2. Requests from officers or supervisors.
 - 3. Requests from other criminal justice agencies.
 - 4. To confirm or refute an allegation that cannot be verified or disproved by other evidence.
 - 5. To assist in establishing probable cause to seek a search warrant.
 - 6. As an element of a background investigation for employment with this department or another criminal justice agency.
 - 7. As part of an administrative or criminal internal investigation the department or another criminal justice agency.
- C. A polygraph examination should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
- D. Requests for polygraph examinations from other law enforcement agencies pursuant to an internal investigation must be in writing and must be approved by the Chief of Police or his/her designee.
- E. Submission to a polygraph examination must be a voluntary action with the exception of employees formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written or tape recorded waiver.



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125.02 PREPARING FOR POLYGRAPH EXAMINATIONS

- A. The investigating officer or supervisor requesting a polygraph examination is responsible for providing the examiner with all pertinent information concerning the investigation prior to administering the polygraph examination. This includes but is not limited to the following:
1. A copy of any relevant offense incident reports and other investigative reports.
 2. Information obtained in the investigation that supports the use of the polygraph.
 3. Any statements made by the subject, complainants, and witnesses.
 4. Background information on the subject to be examined, to include criminal history and potential motive.
 5. Evidence or information about the crime that is believed to be known and unknown by the subject.
- B. If the subject is hearing impaired or does not speak English, the polygraph examiner shall make arrangements for a sign language interpreter or translator as necessary.
- C. Investigative officers or supervisors should not interrogate a subject immediately before he/she is to take a polygraph examination. A polygraph examination can be administered following interrogation as long as a sufficient amount of time has passed as determined to be appropriate by the polygraph examiner.
- D. Investigative officers or supervisors should not attempt to explain procedures that will be used in the polygraph examination, but may advise subjects that these will be explained fully by the examiner. Subjects may be advised of the following:
1. The polygraph examination is voluntary, unless otherwise provided by this policy in cases of internal administrative investigations.
 2. Results of the polygraph examination are not acceptable in court of law unless all requirement of New Mexico Evidence Rule 11-707 are met, which includes the requirement that the polygraph examiner has at least five years experience in administration or interpretation of polygraph examinations or equivalent academic training.



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3. Results of the polygraph examination alone do not provide substantiation for a criminal charge.

125.03 CONDUCTING POLYGRAPH EXAMINATIONS

- A. Only trained polygraph examiners with a polygraph examiner's license or provisional license through the Regulation and Licensing Department of the State of New Mexico, in accordance with NMAC 16.48.2.16, are authorized to administer polygraph examinations.
- B. Prior to conducting a polygraph examination, the polygraph examiner shall make inquiries regarding the subject's background, health, medical history, use of medications, education and other relevant information as deemed necessary to determine the subject's suitability for testing. Polygraph examinations should not be conducted on any person whom the examiner reasonably believes to be physically, mentally or emotionally unsuitable for testing. This may include, but is not limited to persons who are currently or have been treated for any serious diseases or the heart, lungs or central nervous system; women who are pregnant or individuals taking certain types of medication that may interfere with test results.
- C. Polygraph examiners shall not conduct a polygraph examination upon a subject if he/she believes for any reason that an unbiased examination cannot be given.
- D. Where appropriate, the polygraph examiner shall advise subjects of their Miranda rights and explain the voluntary nature of the examination.
- E. A polygraph examination shall cease immediately if requested by the subject.
- F. Prior to a polygraph examination, the polygraph examiner shall explain the polygraph examination procedure to the subject and prepare the subject for the examination.
- G. The polygraph examiner shall be responsible for preparing all test questions to be used in the polygraph examination, and these questions will be reviewed with the person being tested prior to administering the polygraph examination.
- H. The polygraph examiner shall independently interpret the polygraph exam chart tracing and render an opinion on findings that includes, but is not limited to one of the following conclusions:
 1. No deception indicated



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2. Deception indicted

3. Inconclusive

I. The polygraph examiner shall determine if a second or subsequent polygraph examination may be required.

125.04 PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS

A. Prior to conducting a pre-employment polygraph examination, the polygraph examiner shall review all relevant applicant screening reports, personal history statements, pre-investigation questionnaires and any previous polygraph examination reports prepared by the department.

B. Pre-employment polygraph examinations shall be scheduled by authorized employees with the employment candidate.

C. Prior to conducting a pre-employment examination, the polygraph examiner shall review with the employment candidate a list of questions that may be used in the polygraph examination.

D. Polygraph examinations shall not be used as the sole determinant of suitability for employment.

125.05 EQUIPMENT AND RECORD KEEPING

A. Polygraph instruments shall be of commercial manufacture and shall have a minimum of three functioning recording channels.

B. The polygraph examiner is responsible for the maintenance, safe-keeping and integrity of the polygraph instrument and related polygraph equipment. Instruments shall be maintained and calibrated in accordance with the manufacturer's recommendations.

C. The polygraph examiner shall provide reports as directed by the Chief of Police or his/her designee.

D. The polygraph examiner shall maintain records of all polygraph examinations, including polygraph charts, questions sheets, reports, data sheets, and other pertinent papers for a period of at least five years after the date of the polygraph examination and indefinitely in capital offenses.

125.06 EXAMINATION ROOMS



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- A. Polygraph examinations shall be conducted in a clean, neat environment free of unnecessary auditory and visual distractions that may interfere with the atmosphere of the examination.
- B. Polygraph examiners shall dress in a manner consistent with standards of the professional business community. Duty uniforms, badges, and other emblems of authority should not be worn during the polygraph examination. Service weapons shall be worn by the examiner but should not be openly displayed.

125.07 POLYGRAPHER TRAINING AND PROFESSIONAL DEVELOPMENT

- A. Polygraphists should attend an interview and interrogation course within the first two years after receiving their license.
- B. In order to maintain his or her license, polygraphists are required to participate in professionally recognized annual in-service training once a year of a minimum of twenty hours.
- C. In-service training shall be coordinated by the lead polygraphist for the licensed polygraphists in the department.